

**GEORGIA STATE BOARD OF DISPENSING OPTICIANS
BOARD MEETING MINUTES
March 30, 2011**

A meeting of the Georgia State Board of Dispensing Opticians was held on Wednesday, March 30, 2011, in Room 102 of the office of the Secretary of State at the Professional Licensing Boards Division at 237 Coliseum Drive in Macon, Georgia.

BOARD MEMBERS PRESENT:

Steve Sanford, Chair
Diane Drake, Vice-Chair
Dave Meldrum
Thomas Schulz

BOARD MEMBERS ABSENT:

Glenn Morris

STAFF MEMBERS PRESENT:

Brig Zimmerman, Executive Director
Wylencia Monroe, A.A.G. (via video-conference)
Amanda Allen, Board Support Specialist

GUEST ATTENDEES:

Nadia Rahimi

Mr. Sanford established that a quorum was present and called the meeting to order at 10:11 a.m.

AGENDA:

Ms. Drake moved, Mr. Meldrum seconded, and the Board voted to approve the agenda with late agenda items added. None opposed, motion carried.

APPROVAL OF MINUTES:

Ms. Drake moved, Mr. Meldrum seconded, and the Board voted to approve the minutes from the following meetings as presented. None opposed, motion carried.

- January 19, 2011

CORRESPONDENCES:

Correspondences received between scheduled Board meetings were reviewed and discussed.

- Wiregrass Georgia Technical College, Jose Da Silva, Shawn Wynn

Mr. Morris moved, Mr. Meldrum seconded, and the Board voted to allow the administrative staff to respond to all correspondences presented to the Board as directed. None opposed, motion carried.

EXECUTIVE DIRECTOR'S REPORT:

1. Mr. Zimmerman presented the revisions to the Apprentice registration application to the Board.
 - **Ms. Drake moved, Mr. Meldrum seconded, and the Board voted to approve the revisions. None opposed, motion carried.**

Ms. Drake moved, Mr. Meldrum seconded, and the Board voted to accept the Executive Director's report as presented. None opposed, motion carried.

Public Rule Hearing:

Rule 420-1-.01- Organization of the Board

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF DISPENSING OPTICIANS RULE FOR CHAPTER 420-1, ORGANIZATION, RULE 420-1-.01, ORGANIZATION OF THE BOARD. AMENDED.

Purpose: The purpose of this rule amendment is to update the current rule language regarding the current name and address of the Professional Licensing Boards Division of the Office of Secretary of State

Main Features: The update of the name to the Professional Licensing Boards Division and the update to the current Macon, Georgia address for the division.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA STATE BOARD OF DISPENSING OPTICIANS RULE FOR CHAPTER 420-1, ORGANIZATION, RULE 420-1-.01, ORGANIZATION OF THE BOARD. AMENDED.

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

420-1-.01 Organization of Board. Amended.

The State Board of Dispensing Opticians consists of six members appointed by the Governor for a term of four years. The Board elects its own chairman and vice-chairman and its secretary shall be the ~~Joint Secretary~~ Division Director of the ~~Examining~~ Professional Licensing Boards Division of the Office of the Secretary of State. Any member of the public desiring information regarding the Board or its activities should contact the Georgia State Board of Dispensing Opticians at ~~166 Pryor Street, SW, Atlanta, Georgia 30303~~ 237 Coliseum Drive, Macon, Georgia 31217-3858.

Authority: OCGA 43-1-2 and 43-29-6

Mr. Schulz moved, Ms. Drake seconded, and the Board voted to adopt the amendments to Rule 420-1-.01 Organization of the Board as posted for the 30-day minimum requirement. None opposed, motion carried.

Mr. Meldrum moved, Ms. Drake seconded, and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-2 and 43-29-6.

Additionally the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-2 and 43-29-6 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of dispensing opticianry.

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Rule 420-2-.01- Registration Requirements. Amended

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF DISPENSING OPTICIANS RULE FOR CHAPTER 420-2, REGISTRATION REQUIREMENTS, RULE 420-2-.01, REGISTRATION. AMENDED.

Purpose: The purpose of this rule amendment is to update the current language of the rule regarding biennial registration.

Main Features: The rule provides for the addition of current statutory language for clarification of non-renewed licenses lapsing by operation of law.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA STATE BOARD OF DISPENSING OPTICIANS RULE FOR CHAPTER 420-2, REGISTRATION REQUIREMENTS, RULE 420-2-.01, REGISTRATION. AMENDED.

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

420-2-.01 Registration. Amended.

(1) All persons practicing as a dispensing optician shall register with the Division Director of the Professional Licensing Boards Division and shall pay a biennial registration fee on or before March 31st of the registration year. Failure to register and pay this fee by the set expiration date shall ~~forfeit the certificate of such delinquent~~ lapse said license by operation of law. but the Individual licenses lapsed by operation of law may be reinstated considered for reinstatement by submission of an application approved by the Board and paying all registration dues the established registration fee and an additional penalty.

(2) Any service member as defined in O.C.G.A. § 43-1-31 whose license to practice opticianry expired while serving on active duty outside the state shall be permitted to practice opticianry in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of her or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of her or her discharge from active duty or reassignment to a location with the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

Authority: OCGA 43-1-4, 43-1-19, 43-29-6 and 43-29-10

Ms. Drake moved, Mr. Meldrum seconded, and the Board voted to adopt the amendments to Rule 420-2-.01 Registration Requirements. Amended, as posted for the 30-day minimum requirements. None opposed, motion carried.

Mr. Meldrum moved, Mr. Schulz seconded, and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-2 and 43-29-6.

Additionally the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-2 and 43-29-6 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of dispensing opticianry.

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Rule 420-9-.01 Continuing Education for License Renewals

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF DISPENSING OPTICIANS RULE FOR CHAPTER 420-9, CONTINUING EDUCATION, RULE 420-9-.01, CONTINUING EDUCATION FOR LICENSE RENEWALS.

Purpose: The purpose of this rule amendment is to update the current rule to reflect recent changes in the law.

Main Features: The current language is updated to reflect the recent changes in the law to provide an “affidavit” versus a “certificate”.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS
TO THE GEORGIA STATE BOARD OF DISPENSING OPTICIANS RULE FOR CHAPTER
420-9, CONTINUING EDUCATION, RULE 420-9-.01, CONTINUING EDUCATION FOR
LICENSE RENEWALS.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

420-9-.01 Continuing Education for License Renewals. Amended.

(1) Continuing Education courses totaling at least ten (10) hours shall be required for the biennial renewal of licenses. Of the ten (10) hours, a minimum of two (2) hours shall be in the area of contact lenses. Of the ten (10) hours, no more than five (5) hours may be obtained via the internet.

(2) With his/her application for license renewal, each licensed dispensing optician must submit ~~a certificate or certificates of attendance for~~ an affidavit of course hours completed as proof that his/her education requirements have been satisfied.

Authority: OCGA 43-29-6 and 43-29-11

Mr. Meldrum moved, Ms. Drake seconded, and the Board voted to adopt the amendments to Rule 420-2-.01 Registration Requirements. Amended, as posted for the 30-day minimum requirements. None opposed, motion carried.

Ms. Drake moved, Mr. Schulz seconded, and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-2 and 43-29-6.

Additionally the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-2 and 43-29-6 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of dispensing opticianry

Ms. Drake moved, Mr. Meldrum seconded, and the Board voted to enter into Executive Session in accordance with O.C. G. A. 43-1-2(k) (1) (2), 43-1-2(k) (3) (4) , 43-1-2(k) (4) and 50-14-4(b) to deliberate on Applications, receive the Attorney General and Enforcement reports. Voting in favor of the motion were those present who included Board members: Sanford, Drake, Meldrum, and Schulz.

RATIFY LIST:

Mr. Schulz moved Mr. Meldrum seconded, and the Board voted to ratify the list of approved applicants for licensure determined to have met licensure requirements. None opposed, motion carried.

License No.	Licensee	Issue Date
LDO002420	Phinazee, Joann Pope	2/3/2011
LDO002421	Lee, Krystal Pearl	2/4/2011
LDO002422	Bergfield, Timothy S	2/23/2011
LDO002423	Bhatnagar, Shruti	2/23/2011
LDO002424	Clanton, Dima Ivonne	2/23/2011

LDO002425	Cook, Emilee Beth Hammond	2/23/2011
LDO002426	Diaz, Vilma S	2/23/2011
LDO002427	German, Chyneatha Marcell	2/24/2011
LDO002428	Hale, Stephen Wayne	2/24/2011
LDO002429	Fuller, Crystal Mary Agatha	2/24/2011
LDO002430	Terzian, Biatrice	2/25/2011
LDO002431	Sanders, Alicia DeLyn	2/25/2011
LDO002432	Mosley, Shannon Marie	2/25/2011
LDO002433	Pawlowicz, Christopher Daniel	2/25/2011
LDO002434	Priest, Heather Jenine	2/28/2011
LDO002435	Duplessis, Dean M	3/22/2011

Dispensing Opticians (Reinstatements)

License No.	Licensee	Issue Date
LDO000335	Sumner, Larry H	3/18/2011
LDO000532	Goodwin, Michael Jon	1/18/2011
LDO002170	Lorzeille, Monique	2/23/2011

COGNIZANT/ENFORCEMENT:

Ms. Drake provided the Board with an updated status on all open complaint cases.

Complaint cases closed; no violation of the Boards rules or law.

- DISP110009, DISP110010, DISP110014, DISP110015, DISP110017 and DISP110018

Complaint cases forwarded to Investigations:

- DISP110012, DISP110013 and DISP110019

Mr. Schulz moved, Mr. Meldrum seconded, and the Board voted to approve the Cognizant/Enforcement report as presented by Mr. Zimmerman during Executive Session. None opposed, motion carried.

CE Renewal Applications:

J.F. notified the Board that he had answered “yes” to having obtained all the required hours to renew his license; however, afterwards he realized that he was actually short in hours. Requested the Board allow him to obtain the required hours in May.

Mr. Meldrum moved, Ms. Drake seconded, and the Board voted not to grant an extension on the renewal request. License will be revoked by operation of law for failure to meet the renewal requirements. Licensee will need to reinstate his license. None opposed, motion carried.

ATTORNEY GENERAL’S REPORT:

Ms. Wylencia Monroe, Assistant Attorney General, provided a status report, which included information on any cases referred for action, requests for advice and/or requests for authority for proposed rules.

Ms. Drake moved, Mr. Meldrum seconded, and the Board voted to approve the Attorney General's report as presented. None opposed, motion carried.

Board Appearance:

N.R. - Apprentice Registration application discussed.

Ms. Drake moved, Mr. Meldrum seconded, and the Board voted to allow applicant to re-register as an apprentice and to pay the required fee. Applicant must obtain the remaining 150 clock hours. None opposed, motion carried.

Dispensing Optician Educational Program:

Wiregrass Georgia Technical College- Ms. Drake moved, Mr. Schulz and the Board voted to "provisionally recognize" the proposed ophthalmic dispensing program with the requirement the program completes the Commission on Opticianry Accreditation (COA) by December 31, 2013. If COA accreditation is not obtained by December 31, 2013, the "provisional recognition" status will be reconsidered. None opposed, motion carried.

There being no further business to come before the Board, Mr. Meldrum moved, Mr. Morris seconded, and the Board voted to adjourn the meeting at 12:17 p.m.

Minutes recorded by:

Amanda M. Allen, Board Support Specialist

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

Steve Sanford, Chair

Brig Zimmerman, Executive Director

DATE SIGNED AND APPROVED: May 04, 2011